



AGENDA
BOARD OF ZONING APPEALS MEETING
RICHFIELD VILLAGE HALL
4128 HUBERTUS ROAD, HUBERTUS, WISCONSIN
SEPTEMBER 23, 2015
6:00 P.M.

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Village of Richfield Board of Zoning Appeals, at which a quorum of the Village Board may attend in order to gather information about a subject which they have decision making responsibility. The meeting will be held at the above noted date, time and location. Notice of Village Board Quorum, (Chairperson to announce the following if a quorum of the Village Board is in attendance at the meeting: "Please let the minutes reflect that a quorum of the Village Board is present and that the Village Board members may be making comments under the Public Comments section of the agenda, during any Public Hearing(s) or if the rules are suspended to allow them to do so.")

1. Call to Order/determination of quorum
2. Verification of Open Meetings Law compliance
3. Roll Call
4. Pledge of Allegiance
5. Approval of Minutes
 - a. August 26, 2015 - Regular Meeting
6. Recess and reconvene to gather additional information at 4916 Lakeview Avenue (Tax Key: V10_056200A)
7. Reconvene at Village Hall
8. PUBLIC HEARING
 - a. Discussion/Action regarding a variance application submitted by Mrs. Sally S. Coyle for property located at 4916 Lakeview Avenue (Tax Key: V10_056200A)
9. ADJOURNMENT

Additional explanation of items on the agenda (Communication Forms) can be found on the village's website at www.richfieldwi.gov.

Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's office at 628-2260 with as much advance notice as possible.

1. Call to Order

Chairman Robert Bilda called the meeting to order at 6:05 p.m.

2. Verification of Open Meetings Law Compliance

Village Administrator Healy stated that the meeting notice had been posted at all three (3) U.S Post Office buildings, Village Hall and online. Additionally, proper Class II Public Notice was published in the West Bend Daily News.

3. Roll Call

In attendance were Chairman Robert Bilda, Board Members Justin Perrault, Richard Schlei, first alternate Rob McDonald, and second alternate Diane Sommers.

Board Member Jack Lietzau had an excused absence.

Village Administrator Jim Healy, Administrative Services Coordinator KateLynn Schmitt, Village Attorney John Macy and Village Planner Tim Schwecke were also present.

4. Pledge of Allegiance

Board Member Brian Gallitz entered the meeting at 6:07 p.m.

5. Approval of Minutes

a. May 26, 2015– Regular Meeting

Motion by Board Member Justin Perrault to approve the meeting minutes from May 26, 2015, as drafted; Seconded by Board Member Richard Schlei; Motion passed without objection.

6. Recess and Reconvene to gather additional information at 4906 Lakeview Ave (Tax Key: V10_0565)

Motion by Board Member Justin Perrault to recess and reconvene at 4906 Lakeview Ave (Tax Key: V10-0565); Seconded by Board Member Brian Gallitz; Motion passed without objection.

7. Reconvene at Village Hall

Motion by Board Member Justin Perrault to reconvene; Seconded by Board Member Richard Schlei; Motion passed without objection.

8. PUBLIC HEARING

a. Discussion/Action regarding a variance application submitted by Mr. Steven and Amy Masters for property located at 4906 Lakeview Ave (Tax Key: V10_)

First Alternate Rob McDonald voting member filled the absence of Board Member Jack Lietzau.

Motion by Board Member Brian Gallitz to open the Public Hearing; Seconded by Board Member Justin Perrault; Motion passed without objection.

Nick Stortz spoke about the home plans.

Steve Masters stated that they need the variance because the Village code would only allow his wife and him to make \$35,000 worth of improvements to structure which would not be sufficient.

Board Member Richard Schlei mentioned the existing trees on the 5' side (west side) of the property, and the close proximity of those tree's to the property line. Board Member Schlei asked how they plan to deal with the underground root system.

Nick Stortz responded that they would do as little as possible to disturb the root system of the trees and work to not disturb them as much as possible.

Board Member Gallitz asked what the total square footage of home would be.

Nick Stortz responded that the total square footage would be 1,619 square feet and the first floor would be 648 square feet.

Administrator Healy asked if the existing shed would be razed.

Steve Masters stated that they had no plans to raze or move the shed, but would do so if it was requested of him.

Administrator Healy asked if any decks were proposed with the new home.

Steve Masters said that there were no plans for a deck and that they would probably do a gravel patio to match the existing fire pit. Mr. Masters also clarified that not much work had been done on the design of the home and that they were looking for approval of the foot print of the home before further design work would be done.

Village Attorney John Macy clarified what the Boards job was and their ability to administer specific regulations pertaining to the property.

Nick Stortz stated that the proposed home will be further away from the lake and neighboring lot lines then the current home.

Administrator Healy stated that current home and the proposed new home are considered nonconforming, though the proposed new home will conform more the current home.

Board Member Gallitz stated that to comply with the current zoning requirements the proposed new home could only be a maximum of 13 feet wide. Board Member Gallitz also asked if they had considered any other layouts that would not be as wide as the proposed new home.

Nick Stortz stated that they had looked at other layouts and that they would not work.

Board Member Brian Gallitz asked if the house meets the setback from the lake.

Administrator Healy stated that it did.

Administrator Healy also stated that the zoning district the property is in has no minimum square footage requirement.

Chairman Bilda asked how they plan to hold back the fill soil.

Nick Stortz said a stone retaining wall would be constructed to hold back fill.

Steve Masters stated that they have not looked into retaining walls and the material used to construct the retaining wall but he is aware that they will have to construct a retaining wall.

Village Attorney John Macy stated that other homes in the area have retaining walls that have been approved by the Board in the past.

Board Member Schlei asked about the runoff from the property.

Village Administrator Healy stated that Board could include a provision that they would have to obtain a flood permit from Village and during that process Village Staff reviews how storm water is managed at the site.

Nick Stortz stated the Masters started with a floor plan with a 30 foot width and are now at 24 foot width in order to make reasonable concessions.

Administrator Healy stated that the board was able to see the lot during the site visit and that the 13 foot wide house could be argued as a hardship. He also stated that this is not a unique problem for this area. These types of lake properties run into non-compliance issues with the current zoning code on a regular basis. Administrator Healy stated that the former homeowner also went through the process but did not carry out building the allowable home.

Board Member Perrault asked if they have to put in a holding tank if they raze the current home.

Administrator Healy stated that he did not have answer to the question.

Steve Masters stated that he put in a new holding tank two years ago and sized it for a three (3) bedroom home.

Jeff Henckel, 4910 Lakeview Ave stated that the new home will add value to the area. Mr. Henckel stated that he is opposed to the retaining wall being built on the property line. Mr. Henckel believed that the retaining wall should be built 3 feet off the property line because then

the silt fence for the project could remain on the Masters property. Mr. Henckel had several concerns about the surveys for the property and the lack of consistency.

Board Member Rob McDonald asked for clarification on where the retaining wall would be located.

Village Administrator Healy stated the survey shows retaining wall is 1.5 feet off the property line.

Mr. Henckel stated that he would be ok with a retaining wall three (3) feet off the property line.

Village Attorney John Macy stated that if the neighbor does not give permission to the builder for them to be on their property then they would have to build wall without trespassing.

Discussion entailed about the survey and the location of trees on and around the property relative to the retaining wall.

Chairman Bilda asked if it was possible to build a retaining wall three (3) feet off the property line.

Nick Stortz said he believed it would be possible to build a retaining wall three (3) feet from property line.

Board Member Brain Gallitz asked why the 15 feet of fill around the house is required and how Village can grant a variance to reduce this 15 feet.

Village Planner Tim Schwecke said State Law requires 15 feet of fill around the house that is 1 foot above the flood plain elevation. Mr. Schwecke stated that the DNR only makes the law and it is under the Village's authority to implement and grant variance for the fill.

Village Attorney Macy asked Village Planner Schwecke what the height of retaining wall would be relative to current grade.

Village Planner Schwecke stated that top elevation for the retaining wall will not be the same elevation as the first floor elevation. Planner Schwecke also stated that a condition of approval could be to remove shed.

Board Member Rob McDonald asked what was in shed and if it could be stored in new garage.

Steve Masters stated that stuff kept in shed could be kept in new garage and the shed could be razed.

Village Planner Tim Schwecke stated that the application shows the building footprint of 24 feet by 50 feet but proposing total square feet of 1,619 sqft. Mr. Schwecke stated a condition of

approval could be a first floor square footage of 648 plus the garage in the building footprint of 24' by 50'.

Board Member Schlei asked if there have been any problems with retaining walls on the property line.

Village Administrator Healy stated that he was not aware of any problems.

Board Member Rob McDonald asked if other properties have had storm water management plans.

Village Administrator Healy said yes other properties have storm water management plans.

Motion by Board Member Rob McDonald to close the public hearing; Seconded by Board Member Justin Perrault; Motion passed without objection.

Board Member Perrault stated that there is a hardship present in his opinion.

Board Member Gallitz stated that there is hardship present but was concerned the size of the home may be too large. Mr. Gallitz also stated concerns about the retaining wall.

Village Administrator Healy explained that the conditions of approval would require the Village Engineer to review and approve the storm water management plans for the site.

Attorney Macy reviewed the variance requests for the Board.

Variance Requests

1. Not meeting the required 15 feet of fill from the house on the side yards
2. setback of 9.3 feet for east side yard
3. request of 5 feet side yard setback for west side yard

Discussion continued in order to determine the conditions of approval.

Motion by Board Member Brian Gallitz to direct staff to draft a formal decision letter regarding the variance petition, specific conditions of approval as listed below, proceedings, and general outcome with the intention that this letter will be signed by the voting members of the Board of Zoning Appeals and a copy of said document will be provided to the petitioner.

Specific Conditions of Approval

1. The homeowners must obtain a certified plat of survey that is determined to be satisfactory by the Village.

2. The storm water management plan must be approved by the Village Administrator.
3. The retaining wall on west side of the home must be a minimum of 3 (three) feet off of the property line.
4. The maximum building envelope can be no more than 24 feet x 50 feet.
5. And the maximum elevation to the top of the retaining wall is 961.50'.

Seconded by Board Member Justin Perrault; Motion passed without objection by roll call vote.

9. Adjournment

Motion by Board Member Brain Gallitz to adjourn; Seconded by Board Member Rob McDonald; Motion passed without objection at 8:47 p.m.

Respectfully Submitted

Jim Healy
Village Administrator



VILLAGE OF RICHFIELD
BOARD OF ZONING APPEALS COMMUNICATION FORM
MEETING DATE: September 23, 2015

Ba

SUBJECT: Variance Petition for 4916 Lakeview Ave. (Tax Key: V10_056200A)

DATE SUBMITTED: September 16, 2015

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE BOARD OF ZONING APPEALS BELIEVE THE APPLICANT MET THE BURDEN OF PROOF FOR PROVING AN UNNECESSARY HARDSHIP, UNIQUE PROPERTY LIMITATIONS, AND A COMPELLING PUBLIC INTEREST FOR THE REQUESTED VARIANCE?

ISSUE SUMMARY:

The issue before us tonight is whether or not the petitioner (or agent, Mr. Don Thoma) has made a compelling case for the requested 'Area Variance'. Our applicant tonight is requesting a variance from Section 70.213(G)(3)(a)(i), which states that the property must have 15' of fill surrounding the perimeter of the structure.

"The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15' beyond the limits of the structure." – 70.213(G)(3)(a)(i)

Given the proposed home location and survey we've received, the petitioner is requesting a variance from the fill requirements on the east and west side. The placement of 15' of fill surrounding the property would be accomplished by the construction of a retaining wall on both side yards. This is a common and typical practice with new home construction on Friess Lake due to the typical size of the lot. The total lot area for this property is 6,361 sqft.

Area variances provide an incremental relief (normally small) from a physical dimensional restriction such a building height or setback (*State ex rel. Ziervogel v. Washington County Bd. Of Adjustments, 2004*). As you well-know, in order to legally grant a variance, the petitioner must prove three different criteria:

- 1) **Unnecessary Hardship:** For this type of variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome (*State ex rel. Ziervogel v. Washington County Bd. Of Adjustment, 2004*). To determine whether this standard is met, our Board should consider the purpose of the zoning ordinance in question, its effects on the property, and the short-term, long-term, and cumulative effects of granting the variance (*State ex rel. Ziervogel v. Washington County Bd. Of Adjustments, 2004*).

Applicant's Response:

"The elevation of the cottage is currently 959.6', almost a foot and a half below the 100 year flood elevation. Unless it is raised it will suffer extreme damage in a flood."

Staff's Response:

The Applicant's contention regarding the elevation of the home is a legitimate argument. In a sense, one might be able to argue that is the intent of why these types of floodplain development regulations were enacted by FEMA and the DNR in the first place. Uncontrolled development and use of the floodplains and rivers of the Village of Richfield would impair the public health, safety, convenience, and general welfare of the tax base. If the proposed building site is in a flood prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and best practices that minimize flood damages. Additional



VILLAGE OF RICHFIELD
BOARD OF ZONING APPEALS COMMUNICATION FORM
MEETING DATE: September 23, 2015

information will need to be gathered at both the sight visit and during the Public Hearing before any determination can be made if they've met this criteria.

2) Hardship Due to Unique Property Limitations

Unnecessary hardship must be due to unique physical limitations of the property, such as steep slopes or wetlands that prevent compliance with the ordinance (*State ex rel. Spinner v. Kenosha County Bd. Of Adjustments, 1998*).

Applicant's Response:

"The lot is 50' wide but the cottage is more than 20' wide. Consequently, there is not 15' of side yard on both sides of the cottage. Both the front and rear yards are large enough to accommodate the fill".

Staff's Response:

The Applicant is correct that this property is what we consider anecdotally a "typical Friess Lake lot", meaning it is approximately 50'x130'. The Applicant's argument for having unique property limitations due to the unusually small size of property is well-founded. Over the last five years the Village has considered at least four (4) Board of Zoning Appeals requests for this same block of homes of Hoffman's Friess Lake Park Subdivision. Additional information will need to be gathered during the site visit and Public Hearing to determine if this standard is met.

3) No Harm to Public Interests

A variance may not be granted which results in harm to public interests (*State v. Winnebago County, 1995; State v. Kenosha County Bd. Of Adjustments, 1998*). In applying this test, the Zoning Board should review the purpose statement of the ordinance and related statutes in order to identify public interests. In light of public interests, zoning boards must consider the short-term and long-term impacts of the proposal and the cumulative impacts of similar projects on the interest of neighbors, the community, and even the state. Review should focus on the general public interest, rather than the narrow interests or impacts on neighbors, patrons or residents in close proximity of the project.

Applicant's Response:

"The site plan provides for a system of pipes that will direct water away from adjoining properties".

Staff's Response:

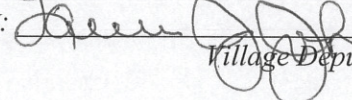
The Board has in the past been cognizant of how placing fill around a proposed building could potentially modify the historical flow of stormwater on the subject property and adjoining properties. The petitioner is addressing this concern by placing underground pipes on both sides of the house collect stormwater from the ground surface and impervious surfaces and direct it to the lake. Furthermore, there is room on side lot line to create a swale if necessary to drain stormwater from the front of the lot (i.e., along the road) to the lake.

From looking at the petition from a globalized perspective, one could make an argument that the dimmunitive request for relief from the 15' of fill with 3.5' on the west side and approximately 5' on the east side for this property or other similar properties around the lake may have a very little cumulative effect. Staff is of the mindset that the public interest is served best and the spirit of the ordinance is followed when citizens are allowed a reasonable use of their property as prescribed by the Village Code. More information will need to be gathered during the Public Hearing to see whether or not this standard has been met.



VILLAGE OF RICHFIELD
BOARD OF ZONING APPEALS COMMUNICATION FORM
MEETING DATE: September 23, 2015

FUTURE IMPACT & ANALYSIS:

REVIEWED BY:  Village Deputy Clerk

Forward to Village Board: No
Additional Approvals Needed: No
Signatures Required: YES

ATTACHMENTS:

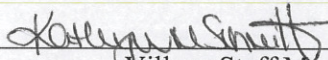
1. Public Hearing Notice published in the West Bend Daily News
2. List of properties who were notified of the scheduled Public Hearing
3. Submittal package by Sally Coyle

STAFF RECOMMENDATION:

MOTION TO DIRECT STAFF TO DRAFT A FORMAL DECISION LETTER REGARDING THE VARIANCE PETITION, PROCEEDINGS, AND GENERAL OUTCOME WITH THE INTENTION THAT THIS LETTER WILL BE SIGNED BY THE VOTING MEMBERS OF THE BOARD OF ZONING APPEALS AND A COPY OF SAID DOCUMENT WILL BE PROVIDED TO THE PETITIONER.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERKS USE ONLY
BOARD ACTION TAKEN


Village Staff Member

Resolution No. _____

Continued To: _____

Ordinance No. _____

Referred To: _____

Approved _____

Denied _____

Other _____

File No. _____


Village Administrator

(Class II Pubic Notice)
NOTICE OF PUBLIC HEARING
VILLAGE OF RICHFIELD
Wednesday, September 23, 2015

PLEASE TAKE NOTICE:

Notice is hereby given pursuant to Section 19.84, Wis. Stats., and provisions of the Village of Richfield Code of Ordinances, that the Village of Richfield Board of Zoning Appeals will conduct a public hearing on Wednesday, September 23, 2015 at 6:00 p.m. at the Village Hall, located at 4128 Hubertus Road, Hubertus, WI 53033, to consider the variance petition submitted by Ms. Sally S. Coyle for property located at 4916 Lakeview Avenue (Tax Key: V10_056200A). The petitioner is seeking a variance from applicable development standards in Section 70.213 of the village code relating to the placement of fill around the perimeter of a new building and a variance from applicable development standards in Section 70.211 of the village code relating to shore land zoning, including building setback requirements and lot dimensional requirements. The Board will convene the meeting at the time specified above. Pursuant to provisions of the Village of Richfield zoning ordinance, the Board will view the subject property at that time. Following the site inspection, the Board will reconvene at the Village Hall for further deliberations and potential action on the petition. A copy of the petitioner's application is available for inspection at the Village Hall, at the above address.

All interested parties will be heard. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's Office at (262)-628-2260 with as much advance notice as possible.

Dated this August 31, 2015

Publication Dates:

Wednesday, September 9, 2015
Wednesday, September 16, 2015

Jim Healy
Village Administrator

Public Hearing Mailing for:

Sally S Coyle

V10-0567 & 0569
Cheryl Wolf
1466 Shoreland Ln
Hubertus, WI 53033

V10-056200A
Sally S Coyle Trust
610 Sunrise Ave
Lake Bluff, IL 60044

V10-055900A
Roger & Phyllis Chase
8601 N Lake Dr
Milwaukee, WI 53217

V10-056800E & 0557 & 056800D
Joanne M Hollatz – Pasek
4934 Lakeview
Hubertus, WI 53033

V10-0563
David & Patricia Weiss
4912 Lakeview Avenue
Hubertus, WI 53033

V10-046600A
Todd & Rochelle Pytlik
4896 Lakeview Avenue
Hubertus, WI 53033

V10-0570 & 060600C
Joseph C Fuchs LC
12720 Lisbon Ave
Brookfield, WI 53005

V10-0582001
Derek & Jami Spieker
9675 Town Line Rd
Kewaskum, WI 53040

V10-0561 & 0560
Joseph J. & Juli J Immekus
1625 S 80th St
West Allis, WI 53214

~~V10-0571 & 0600
Charnene D. Silver
252 Keirns Ct
Ozark, AL 36360~~ *dup.*

V10-0592
Lynn E Youngwirth
4884 Lakeview Ave
Hubertus, WI 53033

V10-0564
Jeffrey A. & Betty A. Henckel
1005 Hawthorn Dr
West Bend, WI 53095

V10-0572
Tony J & Angelsita R Lippold
4915 Lakeview Ave
Hubertus, WI 53033

V10-0604 & 0603
Barbara A Koch Tod
1444 Footbridge Rd
Hubertus, WI 53033

V10-0565
Steven P & Amy B Masters
10204 N Hayden Ct
Mequon, WI 53092

V10-0574 & 060600A
Darlene E Malueg Tod
4907 Lakeview Avenue
Hubertus, WI 53033

V10-046600C
William J. & Kendra S Saemann
6116 Indian Trail Rd
Gurnee, IL 60031

V10-0573
Joseph J & Ann M Colwell
1341 Neya Ti Ct
Hubertus, WI 53033

V10-0575 & 060600B
Jennifer S Nichols
241 St Augustine Rd
Colgate, WI 53017

V10-0555
Kurt A & Patricia A Kinatader
N74 W15473 Stonewood Dr
Menomonee Falls, WI 53051

V10-0599
Charnene D Silver
1462 Shoreland Ln
Hubertus, WI 53033

V10-0601 & 0602
Mike Juno
1450 Shoreland Lane
Hubertus, WI 53033

V10-0591
Katherine A Kohler
1459 Shoreland Ln
Hubertus, WI 53033

V10-0566 & 057700B
Robert W. & Ann P Eisenbrown
3244 N Hackett Ave
Milwaukee, WI 53211

V10-0556
Richard C & Carolyn A Taylor
4938 Lakeview Ave
Hubertus, WI 53033

V10-0558
Mark R Knueppel
4930 Lakeview Avenue
Hubertus, WI 53033



**Village of Richfield
Planning and Zoning**

4128 Hubertus Road
Hubertus, WI 53033
(p)262.628.2260 ♦ (f)262.628.2984

VARIANCE APPLICATION CHECKLIST

- ☐ **Pre-application meeting with Village Staff**
 - Date of meeting: _____
- ☐ **Application Received**
 - Date received: _____
- ☐ **Determination of completeness**
 - Date reviewed for completeness: _____
- ☐ **Processing of application fee into BDS**
- ☐ **Public Hearing notice sent to West Bend Daily News**
 - Confirmation of publication e-mail received on: _____
- ☐ **Public Hearing notice published in newspaper, first insertion**
 - Date of first insertion: _____
 - Confirmed by Deputy Clerk: _____
- ☐ **Public Hearing notice published in newspaper, second insertion**
 - Date of second insertion (7 days b/w last publication and public hearing): _____
 - Confirmed by Deputy Clerk: _____
- ☐ **Notice sent to property owners within 300' of property**
 - Date sent to property owners: _____
- ☐ **Site visit and meeting agenda prepared**
- ☐ **Site visit and meeting agenda posted at designated locations**
 - Hubertus Post Office _____
 - Colgate Post Office _____
 - Richfield Post Office _____
- ☐ **Agenda sent to applicant(s)**
 - Via e-mail _____
 - Via regular mail _____
- ☐ **Staff report sent to Board of Zoning Appeals members**
 - Date is Friday before Board of Zoning Appeals meeting: _____
- ☐ **Staff report sent to applicant**
 - Date is Friday before Board of Zoning Appeals meeting: _____
- ☐ **Meeting agenda posted online: _____**
- ☐ **Board of Zoning Appeals meeting/public hearing**
- ☐ **Written decision sent to applicant and/or minutes of meeting**
 - Date of decision letter being sent: _____
- ☐ **Application information stored in Lazerfish: _____**

Variance
\$455.00

VARIANCE APPLICATION

Complete this application and submit nine (9) copies to the Village Planning and Zoning Administrator along with the application fee. Before you formally submit your application, you may submit one copy to the Planning and Zoning Administrator who will ensure it is complete and provides enough information to describe the circumstances related to this application.

Overview

The most common appeals heard by the Board of Appeals are from property owners seeking a "variance" from one or more of the dimensional requirements established in the Zoning Ordinance, e.g. building setbacks. A "variance" is permission granted by the Board of Appeals to build or develop in a way that is different than required or allowed under the Ordinance.

It is important to understand that in accordance with Wisconsin Statutes the Village's appeal procedures are enforced so that variances are granted only in response to unique limitations that affect and/or prohibit the use and development of a given property that are deemed by the Board of appeals to constitute an unusual or unnecessary, but not self-imposed "hardship" or circumstance, provided however that the requirements being varied to not result in harm to adjoining property, the neighborhood, and the general public interest.

Variances will not be granted for reasons that are common to other properties or for such simple reasons as the desires of the property owner. Variances are not granted routinely. Furthermore the existence of non-conforming buildings and properties or the granting of variances to other properties does not justify nor guarantee that the Board of Appeals will approve the variance. The decision is based on the evidence and testimony received as part of the application, during their site review of the property and through the public hearing process.

Additional Requirements

In addition to the criteria listed on this application, to qualify for a variance under FEMA regulations for property under the regulations of the Floodplain development standards contained in Sec. 70.213, the following criteria must be met:

- The variance may not cause any increase in the regional flood elevation
- Variance can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE (Regional Flood Elevation)
- Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risk to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of Village Code Sec. 70.213

Use Variance

No variance(s) that would allow the use of a property and/or structure in any zoning district that is not a stated principal use or accessory use in that particular district, or, that would result in the intensification or increase in density of building area or lots of such principal or accessory uses shall be granted by the Board unless it finds based on the evidence and testimony submitted as part of the public records that all the following facts and conditions exist:

- Unnecessary Hardship
- Unique Property Limitations
- Public Interest

Area Variance

No variance(s) that would remove or make less strict or severe any setback, frontage, height, building or yard location, or other area restrictions and/or requirements that apply to a property and/or structure in any zoning district shall be granted by the Board unless it finds based on the evidence and testimony submitted as part of the public record that all of the following facts and conditions exist:

- Unnecessary Hardship
- Unique Property Limitations
- Public Interest

The Board of Appeals may impose special conditions on any use or development being proposed in order to ensure that these criteria can and will continue to be met. Only the minimal amount of relief necessary to allow reasonable use or development of the property will be granted. Unless otherwise stipulated by a condition of approval, variances that permit some type of building or development will expire after twelve (12) months unless the building or development commences within 12 months and continues in reasonable manner toward completion.

Property Owner Information

Name: Sally S. Coyle

Company Name: _____

Mailing Address: 610 Sunrise Avenue

City: Lake Bluff

State: IL

Zip: 60044

Phone Number: 847-433-2535 call both

Fax: _____

SEND E-MAILS TO:

ACDPLET178@GMAIL.COM

Email: COYLERSCH@ADL.COM

AND: COYLERSCH@ADL.COM

Property Information

Tax Parcel Number: V10 056200A

Size of Parcel (acres): .15 acres (6360 Sq. Ft.)

Zoning: R4

Physical Address: 4916 Lakeview Avenue Hubertus, WI 53033

City: _____

State: _____

Zip: _____

Request

What is the nature of your request for this variance? Example: to reduce the side yard setback from the required 30 feet to 25 feet in order to build an addition. We would like to floodproof the cottage by raising it and bringing in fill. However the lot is too narrow to have 15 feet of fill on both sides of the cottage.

Section or Sections of Code

List the section or sections of the code that are related to your variance request.

70.211 ~~70.212~~ 70.213

Supplemental Information

As a part of this application, include a plat of survey as prepared by a registered land surveyor, which depicts the following information as it applies to the variance being requested:

- ☐ Engineering scale and north arrow
- ☐ Name of project and location/vicinity map
- ☐ Owner's and/or developer's name and mailing address
- ☐ Architect and/or engineer's name and mailing address
- ☐ Date of plan submittal
- ☐ Location of all property lines, existing and proposed buildings and structures including fences, berms and walls, setback lines and yard requirements, easements, access restrictions, designated and mapped wetlands and 100-year floodplains, signs, exterior lights
- ☐ Location and number of access driveways and intersections to public roads, paved areas, parking, loading and storage areas
- ☐ Locations and size of existing and proposed septic tanks and disposal fields, holding tanks, storm water facilities, erosion control features, and landscaping areas
- ☐ Location of proposed solid waste (refuse) storage area
- ☐ Location of pedestrian sidewalks and walkways
- ☐ Existing and proposed public right-of-way widths
- ☐ Existing and proposed street names
- ☐ Any other site or use information which will assist the Planning and Zoning Administrator in reviewing the application and making a determination of zoning compliance
- ☐ A table, chart or schedule of building floor area and total impervious surface coverage in acres, square feet, and ratio, landscaped surface/open space coverage in acres, square feet and ratio, land area in acres and square feet, minimum parking space requirements and spaces provided
- ☐ Color rendering or model (optional) of property to be developed, including all buildings, parking areas, drainage basins and facilities, landscaping, and exterior lighting (See Planning and Zoning Administrator for examples)
- ☐ Existing zoning and land uses on adjoining property
- ☐ Any other site or use information which will assist the Planning and Zoning Administrator in reviewing the application and making a determination of zoning compliance

Unnecessary Hardship

Describe why you believe strict compliance with the zoning regulation(s) from which the variance(s) is/are being sought would create a subject practical difficulty or be unreasonably burdensome to the property owner in terms of severely limiting or prohibiting the reasonable use of the property as intended under the zoning ordinance and when compared to surrounding properties. The elevation of the cottage is currently 959.6 feet, almost a foot and a half below the "100 year" flood elevation. Unless it is raised it will suffer extreme damage in a flood.

Unique Property Limitations

Describe why you believe the unnecessary hardship is due to unique or special conditions or limitations affecting the subject property and/or structure that are not typical or generally shared by other surrounding properties. The lot is 50 feet wide but the cottage is more than 20 feet wide. Consequently there is not 15 feet of side yard on both sides of the cottage. Both the front and rear yards are large enough to accommodate the fill.

Public Interest

Describe why the variance if granted would not be contrary to the public interest by creating or having the potential for creating an adverse impact on the public, health, safety, or welfare of adjoining and surrounding residents, properties or the community. The site plan provides for a system of pipes that will direct water away from adjoining properties.

Property Owner Affidavit

I certify that I am the Owner(s) of the property which is the subject of this application in the Village of Richfield, Washington County, Wisconsin, and that all the information attached to or provided in support of said application, including sketches, data, and any other documents and material, are honest and true to the best of my (our) knowledge.

I understand and acknowledge the responsibility for any and all fees charged or costs incurred by the Village of Richfield to carry out the processing and review of this application; I (we) further acknowledge and understand that I (we) will be required to start an escrow account to which all processing and review cost will be charged; I (we) further acknowledge that in the event that the initial fee is not sufficient to cover all the costs associated with processing and reviewing the application I (we) will be required to provide the Village of Richfield an additional deposit; I (we) further acknowledge that the balance of any remaining fees shall be refunded within a reasonable amount of time after this application has been processed or withdrawn.

I understand that a change to one of the future land use maps does not change the zoning designation of the property. However, a rezoning of the property must be consistent with the 10-year future land use map.

I certify that the members of the Board of Appeals, along with Village Staff and other officials, and members of the public may enter my property to view the same.

I understand that if the Board of Appeals grants the variance I must obtain all other approvals required under Chapter 70 of the Village Code.

I understand that I should not contact any members of the Board of Appeals regarding this matter and that doing so may require that member to abstain from voting on this matter.

I understand as Owner(s) of the property subject of this application understand that this application and all required forms and information must be completed and accurate, as determined by the Planning and Zoning Administrator for the Village of Richfield, before a meeting and/or public hearing (if required) can be scheduled.

Bobby D. Coyle
Property Owner Signature

Aug 14, 2015
Date

Site Plan for Thomas & Sally Coyle

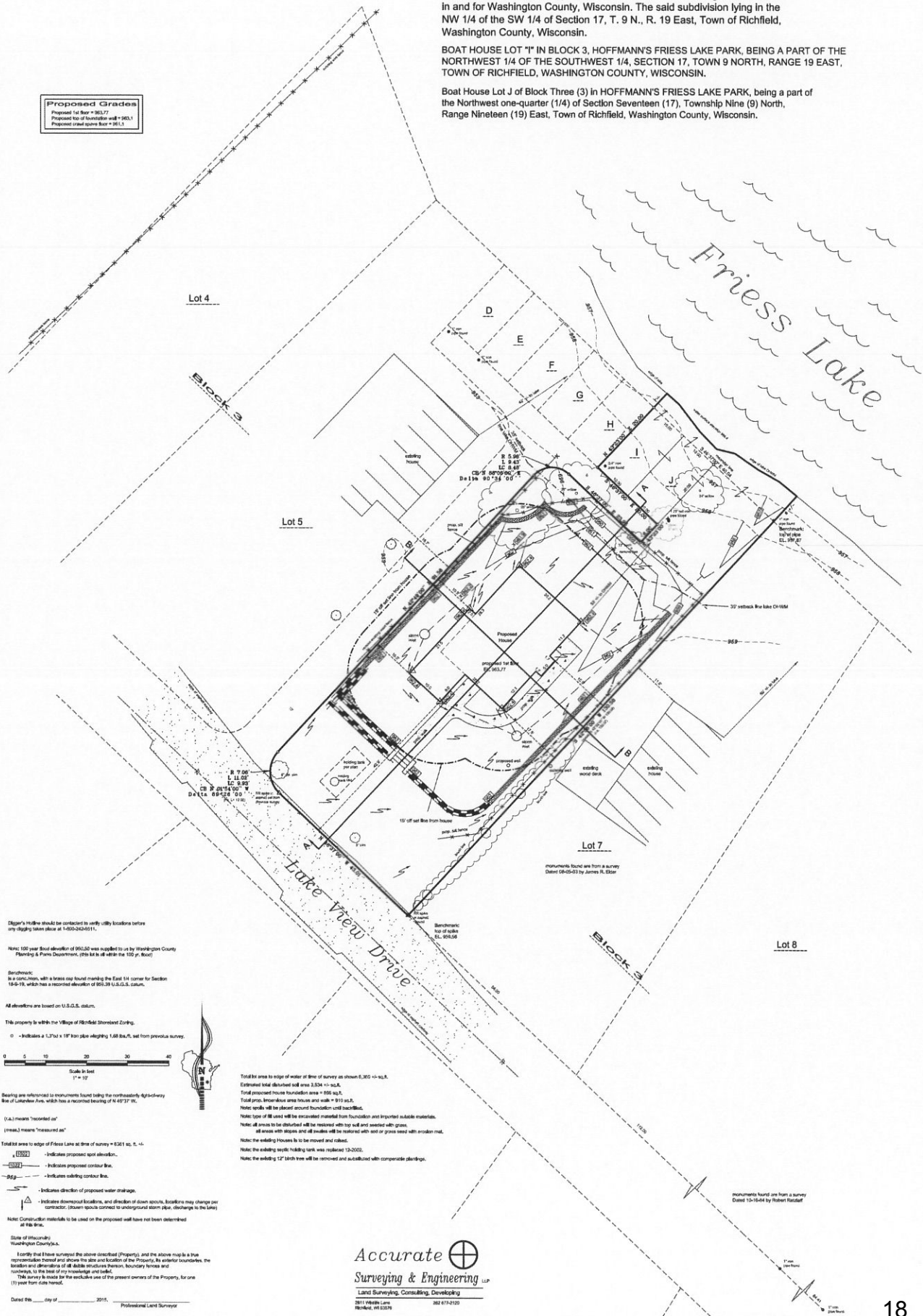
(Hoffmann's Friess Lake Park, 198)

Lot number Six (6) in Block number Three (3) of Hoffmann's Friess Lake Park, according to the recorded plat thereof in the office of the Register of Deeds in and for Washington County, Wisconsin. The said subdivision lying in the NW 1/4 of the SW 1/4 of Section 17, T. 9 N., R. 19 East, Town of Richfield, Washington County, Wisconsin.

BOAT HOUSE LOT "I" IN BLOCK 3, HOFFMANN'S FRIESS LAKE PARK, BEING A PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 17, TOWN 9 NORTH, RANGE 19 EAST, TOWN OF RICHFIELD, WASHINGTON COUNTY, WISCONSIN.

Boat House Lot J of Block Three (3) in HOFFMANN'S FRIESS LAKE PARK, being a part of the Northwest one-quarter (1/4) of Section Seventeen (17), Township Nine (9) North, Range Nineteen (19) East, Town of Richfield, Washington County, Wisconsin.

Proposed Grades
Proposed 1st floor = 953.77
Proposed top of foundation wall = 953.1
Proposed finished floor = 953.1



Cross Sections

for
Thomas & Sally Coyle

(2018 Lakeside Drive, Richfield, WI)

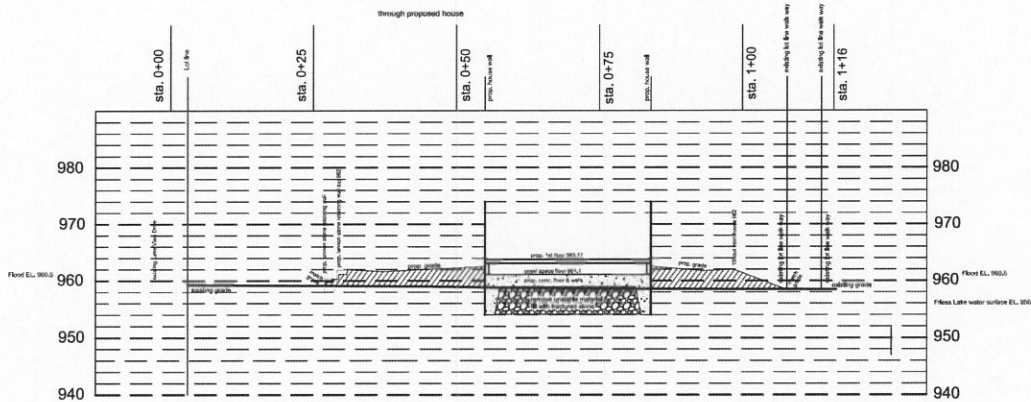
Lot number Six (6) in Block number Three (3) of Hoffmann's Friess Lake Park, according to the recorded plat thereof in the office of the Register of Deeds in and for Washington County, Wisconsin. The said subdivision lying in the NW 1/4 of the SW 1/4 of Section 17, T. 9 N., R. 19 East, Town of Richfield, Washington County, Wisconsin.

BOAT HOUSE LOT "I" IN BLOCK 3, HOFFMANN'S FRIESS LAKE PARK, BEING A PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 17, TOWN 9 NORTH, RANGE 19 EAST, TOWN OF RICHFIELD, WASHINGTON COUNTY, WISCONSIN.

Boat House Lot J of Block Three (3) in HOFFMANN'S FRIESS LAKE PARK, being a part of the Northwest one-quarter (1/4) of Section Seventeen (17), Township Nine (9) North, Range Nineteen (19) East, Town of Richfield, Washington County, Wisconsin.

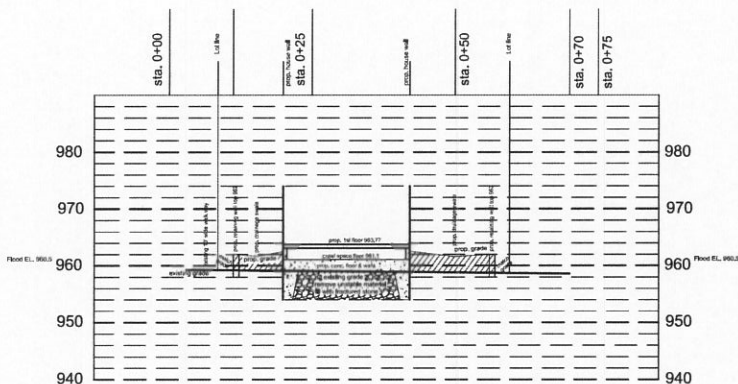
Cross Section A



Scale :
1" = 10' horizontal
1" = 10' vertical



Cross Section B

Scale :
1" = 10' horizontal
1" = 10' vertical



-  - Indicates filled area (see cross sections).
-  - Indicates excavated area (see cross sections).

Accurate 
Surveying & Engineering LLC
Land Surveying, Consulting, Designing
2011 Wanda Lane
Richfield, WI 53449
202-674-1011

Dated 9th 31st day of July, 2018